



SUSANA MARTINEZ  
Governor

JOHN A. SANCHEZ  
Lt. Governor

## NEW MEXICO ENVIRONMENT DEPARTMENT

Harold Runnels Building  
1190 South St. Francis Drive (87505)  
P.O. Box 5469, Santa Fe, NM 87502-5469  
Phone (505) 827-0187 Fax (505) 827-0160  
[www.env.nm.gov](http://www.env.nm.gov)



BUTCH TONGATE  
Cabinet Secretary

J. C. BORREGO  
Deputy Secretary

Original via UPS-Copy via Electronic Mail

June 1, 2018

Mr. David F. Garcia, P.E., Acting Director  
Water Quality Protection Division (6WQ)  
U. S. Environmental Protection Agency  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

**Re: State Certification**

Dear Mr. Garcia:

Enclosed, please find the state certification for the following draft National Pollutant Discharge Elimination System (NPDES) permit:

**New Mexico Department of Game and Fish – Glenwood State Fish Hatchery – NM0030163**

If any, comments and conditions are enclosed on separate sheets.

U.S. Environmental Protection Agency (USEPA) proposes to regulate discharges under the above-referenced NPDES Individual Permit. A state Water Quality Certification is required by the federal Clean Water Act (CWA) §401 to ensure that the action is consistent with state law (New Mexico Water Quality Act, sections 74-6-1 through 74-6-17, New Mexico Statutes Annotated (NMSA) 1978) and complies with state Water Quality Standards [*State of New Mexico, Standards for Interstate & Intrastate Surface Waters, New Mexico Water Quality Control Commission, 20.6.4 New Mexico Administrative Code (NMAC)*], the Water Quality Management Plan/Continuing Planning Process, including Total Maximum Daily Loads (TMDLs), and the Antidegradation Policy.

Pursuant to State regulations for permit certification (Section 20.6.2.2001 NMAC), USEPA jointly with NMED issued a public notice of the draft permit and announced a public comment period posted on the NMED web site on April 28, 2018. The NMED public comment period ended on May 29, 2018. NMED received comments from the applicant/permittee which were consider as discussed in the attached.

Sincerely,

/s/ Shelly Lemon

Shelly Lemon, Bureau Chief  
Surface Water Quality Bureau

**June 1, 2018**

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cc: (w/enclosures)

Ms. Evelyn Rosborough, USEPA (6WQ-PO) via e-mail

Mr. Brent Larsen, USEPA (6WQ-PP) via e-mail

Mr. Jim Afghani, USEPA (6WQ-PP) via e-mail

Mr. Michael B. Sloane, Chief, Fisheries Management Division, New Mexico Department Game and Fish (NMDGF), P.O. Box 25112, Santa Fe, New Mexico 87504 via Certified Mail (7005 1820 0001 5708 1027)

Mr. Roderick Gallegos, Assistant Chief, Fisheries Management Division, NMDGF via e-mail

Ms. Heather Timmons, Environmental Compliance Specialist, NMDGF via e-mail

Ms. Anne L. Idsal, Regional Administrator  
Environmental Protection Agency  
1445 Ross Avenue  
Dallas, TX 75202-2733

June 1, 2018

STATE CERTIFICATION

RE: **New Mexico Department of Game and Fish – Glenwood State Fish Hatchery – NPDES  
Permit No. NM0030163**

Dear Ms. Idsal:

The New Mexico Environment Department has examined the draft NPDES permit above. The following conditions are necessary to assure compliance with the applicable provisions of the Clean Water Act Sections 208(e), 301, 302, 303, 306, and 307 and with appropriate requirements of State law. Compliance with the terms and conditions of the permit and this certification will provide reasonable assurance that the permitted activities will be conducted in a manner which will not violate applicable water quality standards and the water quality management plan and will be in compliance with the antidegradation policy.

The State of New Mexico

- ☒ (X) certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law
- ☐ ( ) certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law upon inclusion of the following conditions in the permit (see attachments)
- ☐ ( ) denies certification for the reasons stated in the attachment
- ☐ ( ) waives its right to certify

In order to meet the requirements of State law, including water quality standards and appropriate basin plan as may be amended by the water quality management plan, each of the conditions cited in the draft permit and the State certification shall not be made less stringent.

The Department reserves the right to amend or revoke this certification if such action is necessary to ensure compliance with the State's water quality standards and water quality management plan.

Please contact Sarah Holcomb at 505-827-2798, if you have any questions concerning this certification. Comments and conditions pertaining to this draft permit are attached.

Sincerely,

*/s/ Shelly Lemon*

Shelly Lemon  
Bureau Chief  
Surface Water Quality Bureau

**State Certification on the Draft NPDES Permit**  
**New Mexico Department of Game and Fish**  
**Glenwood State Fish Hatchery**  
**NM0030163**  
**June 1, 2018**

**Conditions of Certification:**

None

**NMED Comments that are not Conditions of Certification:**

1. NMDGF provided corrections on the USEPA Fact Sheet prepared April 10, 2018. Corrections are noted.
2. NMDGF provided comments on Part I.A Outfall 001 and 002 Effluent Limits Table. NMDGF's requests for changes to the Final Permit would not affect the certification of this permit.

For Outfall 001 and 002, USEPA may change the sample flow measurement frequency to a "daily" measurement in Part I.A.1 and I.A.2 of the Final Permit. Other NPDES hatchery permits in the State of New Mexico have daily measurement frequency, and weir or measured over weir sample type (e.g., NPDES permits NM0030121 Lisboa Springs, NM0030147 Red River and NM0030155 Rock Lake).

For Outfall 001, USEPA should remove, edit and/or clarify TSS language that states "unless noted \*1" in Part I.A.1 of the Final Permit.

For Outfall 002, USEPA may further change and/or clarify the flow type consistent with NMDGF's comment and status of installation in Part I.A.2 of the Final Permit.

3. NMDGF requested a reduced monitoring frequency for the Aldrin study in Part I.B of the Draft Permit as follows "...once every six months, should Aldrin not be detected in influent or effluent testing for four consecutive quarters."

USEPA Region 6, Procedures for Implementing National Pollutant Discharge Elimination System Permits in New Mexico (NMIP) dated March 15, 2012 states "a number of factors must be considered by the permit writer in establishing a case-by-case monitoring frequency...."

NMDGF's request would not affect the certification of this permit. The USEPA permit writer may include a reduction in the monitoring frequency as requested. Any changes to the monitoring frequency by USEPA as a result of NMDGF's request will also need to be documented (e.g., Response to Comments) and incorporated into Part I.A.1 and 2 of the Final Permit.